

CITY OF SAN JOSE
Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)
--

X ADDRESS OF PROPERTY BEING PROTESTED 803 Cambrian Dr. Campbell, CA. 95008

X ASSESSOR'S PARCEL NUMBER(S) 412-37-007

REASON OF PROTEST
I protest the proposed rezoning because See Attachment A

Use separate sheet if necessary

X The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)

803 Cambrian Dr. Campbell, CA. 95008
APN: 412-37-007

and is now zoned R1-8 District. (in Santa Clara County)

X The undivided interest which I own in the property described in the statement above is a:

- ☒ Fee Interest (ownership)
☐ Leasehold interest which expires on _____
☐ Other: (explain) _____

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>Lida V. Issako</i>		DAYTIME <i>(408)</i> TELEPHONE # <i>372.1851</i>	
ADDRESS <i>803 Cambrian Dr. Campbell, CA</i>		CITY	STATE ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Lida V. Issako</i>		DATE <i>9.27.2010</i>	
PRINT NAME <i>Youtan Issako</i>		DAYTIME <i>(408)</i> TELEPHONE # <i>372.1851</i>	
ADDRESS <i>803 Cambrian Dr. Campbell, CA</i>		CITY	STATE ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Youtan Issako</i>		DATE <i>9.27.2010</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
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SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

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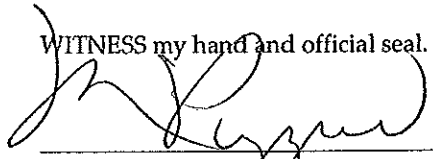
STATE OF CALIFORNIA

COUNTY OF Santa Clara

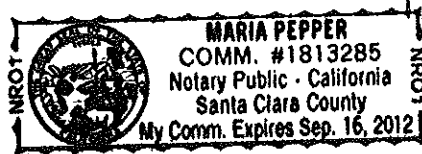
)
) ss.
)

On 9/27/2010 before me, Maria Pepper, Notary Public, personally appeared Lida Vardak + Youtan Issako, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Prezoning (File No. C10-010) ("Prezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. Prezoning Paves the Way for Streamlined Annexation Without Protest. The Prezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Prezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Prezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Prezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Prezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>960 STONEHURST WAY, CAMPBELL, CA 95008</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>412-40-018</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: <i>(describe property by address and Assessor's Parcel Number)</i> <u>960 Stonehurst Way, Campbell CA 95008</u> <u># 412-40-018</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: <i>(explain)</i> _____	

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STATE OF CALIFORNIA

COUNTY OF

Santa Clara

)
) ss.
)

On 9-24-10 before me, L. Basile, Notary Public, personally appeared Steven D. McVay & Nancy A. McVay, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

L Basile

Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

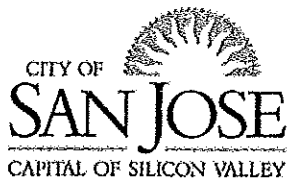
(Seal)

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



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ZONING PROTEST APPLICATION

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FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	970 Stonehurst Way Campbell CA 95008
ASSESSOR'S PARCEL NUMBER(S)	412-40-017-00
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> _____ _____ _____ Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: <i>(describe property by address and Assessor's Parcel Number)</i> <u>970 Stonehurst Way</u> <u>Campbell, CA 95008</u> <u>412-40-017-00</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: <i>(explain)</i> _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION**SIGNATURE(S) OF PROTESTANT(S)**

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	Gary Mantalas			DAYTIME TELEPHONE #	408-993-1282		
ADDRESS	970 Stonehurst	CITY	Campbell	STATE	CA	ZIP CODE	95008
SIGNATURE (Notarized)	[Signature]			DATE	9-22-10		
PRINT NAME				DAYTIME TELEPHONE #			
ADDRESS		CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)				DATE			
PRINT NAME				DAYTIME TELEPHONE #			
ADDRESS		CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)				DATE			
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SIGNATURE (Notarized)				DATE			
PRINT NAME				DAYTIME TELEPHONE #			
ADDRESS		CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)				DATE			

Use separate sheet if necessary

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STATE OF CALIFORNIA


COUNTY OF SANTA CLARA

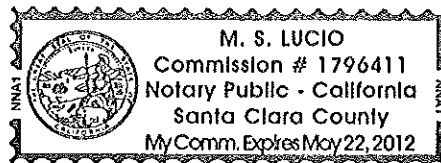
)
) ss.
)

On 9/22/10 before me, M.S. LUCIO, Notary Public, personally appeared CARMY MANTALAS, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in ~~his~~ her/their authorized capacity(ies), and that by ~~his~~ her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

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REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	1034 SHAMROCK DR.
ASSESSOR'S PARCEL NUMBER(S)	414-01-065
REASON OF PROTEST	
I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: <i>(describe property by address and Assessor's Parcel Number)</i>	
414-01-065	
1034 Shamrock Dr	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/> Fee Interest (ownership)	
<input type="checkbox"/> Leasehold interest which expires on _____	
<input type="checkbox"/> Other: <i>(explain)</i> _____	

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ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <u>GEORGE SAMPALIK</u>		DAYTIME TELEPHONE #	
ADDRESS <u>1034 SHAMROCK DR</u>	CITY <u>CAMPBELL</u>	STATE <u>CA</u>	ZIP CODE <u>95008</u>
SIGNATURE (Notarized) <u>[Signature]</u>		DATE <u>9.25.2010</u>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

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STATE OF CALIFORNIA

COUNTY OF

Santa Clara

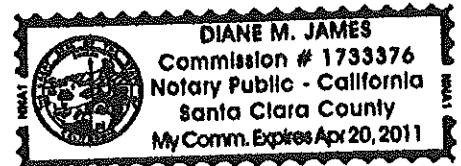
)
) ss.
)

On Sept 25, 2010 before me, Diane M James, Notary Public, personally appeared George Sempalik, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M James
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

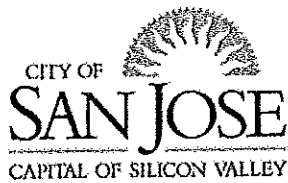
1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



CITY OF SAN JOSE
Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	1056 NORMANDY DR CAMPBELL, CA 95008
ASSESSOR'S PARCEL NUMBER(S)	414020643
REASON OF PROTEST	
I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)	
1056 NORMANDY DR, CAMPBELL, CA 95008	
414020643	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/> Fee Interest (ownership)	
<input type="checkbox"/> Leasehold interest which expires on _____	
<input type="checkbox"/> Other: (explain) _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF

Santa Clara

)
)
) ss.

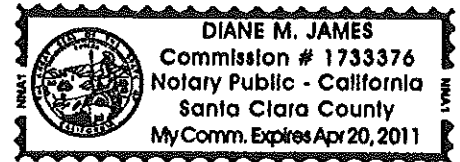
On Sept 22, 2010 before me, Diane M. James Notary Public, personally appeared Karen Tung Cate who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. James
Notary Public

(Seal)



STATE OF CALIFORNIA

COUNTY OF

Santa Clara

)
)
) ss.

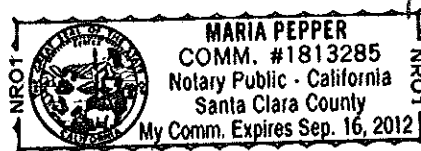
On 9/27/2010 before me, Maria Pepper Notary Public, personally appeared Burton Joseph Foland who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Maria Pepper
Notary Public

(Seal)

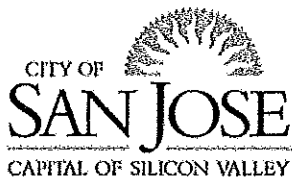


service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

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5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>MARGOTH G. MENDOZA 412 940 Sweetbriar</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>412 41001</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> _____ _____ Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>MARGOTH G. MENDOZA PNH# 412 41001</u> <u>940 SWEETBRIAR DR</u> <u>CAMPBELL CA 95008</u> and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION**SIGNATURE(S) OF PROTESTANT(S)**

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>MARGOTH G. MENDOZA</i>		DAYTIME TELEPHONE # <i>408-568-0003</i>	
ADDRESS <i>940 SWEETBRIAR DR</i>		CITY <i>CAMPBELL</i>	STATE <i>CA</i> ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Margoth G. Mendoza</i>		DATE <i>9/22/2010</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
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PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
Use separate sheet if necessary			

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STATE OF CALIFORNIA


COUNTY OF SANTA CLARA

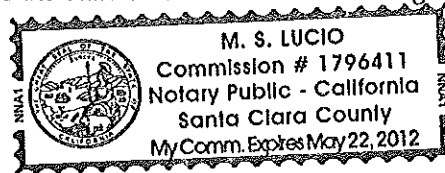
)
) ss.
)

On 9/22/10 before me, M.S. LUCIO, Notary Public, personally appeared MARLETH COMEZ MENDOZA, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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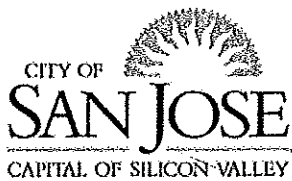
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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	879 SWEETBRIAR DR. CAMPBELL 95008
ASSESSOR'S PARCEL NUMBER(S)	412-40-031-00
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>879 SWEETBRIAR DR. CAMPBELL CA 95008</u> <u>412-40-031-00</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____	

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ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)				
<p>This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>				
PRINT NAME <i>RANDALL R WHITE</i>	DAYTIME TELEPHONE # <i>408-377-6300</i>			
ADDRESS <i>879 SWEETBRIAR DR</i>	CITY <i>CAMPBELL</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>	
SIGNATURE (Notarized) <i>Randall R. White</i>	DATE <i>9/22/2010</i>			
PRINT NAME	DAYTIME TELEPHONE #			
ADDRESS	CITY	STATE	ZIP CODE	
SIGNATURE (Notarized)	DATE			
PRINT NAME	DAYTIME TELEPHONE #			
ADDRESS	CITY	STATE	ZIP CODE	
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Use separate sheet if necessary				

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STATE OF CALIFORNIA

COUNTY OF Santa Clara

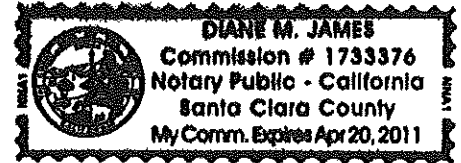
)
) ss.
)

On Sept 22, 2010 before me, Diane M. James, Notary Public, personally appeared Randall Ray White, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Diane M. James
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
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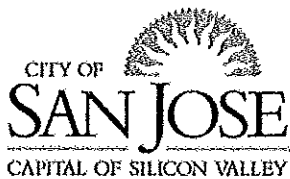
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6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



CITY OF SAN JOSE
Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>894 Sweet Briar Drive</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>412 41 004</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> _____ _____ <p style="text-align: center;">Use separate sheet if necessary</p>	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: <i>(describe property by address and Assessor's Parcel Number)</i> <u>894 Sweet Briar Dr</u> <u>PN 412 41 004</u> _____ _____ and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: <i>(explain)</i> _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
<p>This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>			
PRINT NAME <u>SEANNE A. BOSECKER</u>		DAYTIME TELEPHONE # <u>408-369-2004</u>	
ADDRESS <u>894 Sweet Briar Dr</u>		CITY <u>CAMPBELL</u> STATE <u>CA</u> ZIP CODE <u>95008</u>	
SIGNATURE (Notarized) <u>Seanne A. Bosecker</u>		DATE <u>9/22/10</u>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY STATE ZIP CODE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY STATE ZIP CODE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY STATE ZIP CODE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY STATE ZIP CODE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY STATE ZIP CODE	
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

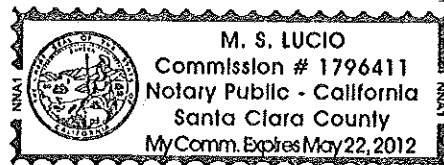
)
) ss.
)

On 9/22/10 before me, M.S. Lucio, Notary Public, personally appeared JEANNE A. BOSECKER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

M.S. Lucio
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Prezoning (File No. C10-010) ("Prezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

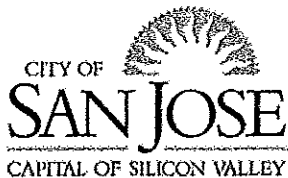
1. Prezoning Paves the Way for Streamlined Annexation Without Protest. The Prezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Prezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Prezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Prezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Prezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>906 Sweetbriar Dr.</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>412-4-003</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>906 Sweetbriar Dr. 412-4-003</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>RANDIE McQueen</i>		DAYTIME TELEPHONE #	
ADDRESS <i>906 Sweetbriar Dr.</i>	CITY <i>Campbell</i>	STATE <i>Ca</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Randie McQueen</i>		DATE <i>9/22/10</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
Use separate sheet if necessary			

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF

SANTA CLARA

)
) ss.
)

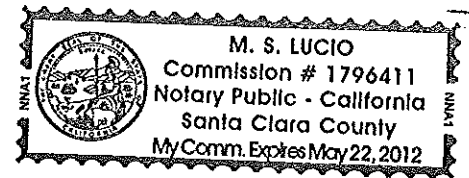
On 9/24/2010 before me, M.S. LUCIO, Notary Public, personally appeared RANDY MCQUEEN, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

M.S. LUCIO
Notary Public

(Seal)



STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

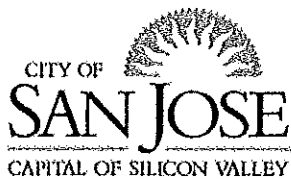
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service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
--	--

ADDRESS OF PROPERTY BEING PROTESTED 1035 Shamrock Dr. Campbell 95008

ASSESSOR'S PARCEL NUMBER(S) 414-01-004

REASON OF PROTEST
I protest the proposed rezoning because See Attachment A

Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: *(describe property by address and Assessor's Parcel Number)*

1035 Shamrock Dr.
Campbell CA 95008
Parcel #414-01-004

and is now zoned R1-8 District. (in Santa Clara County)

The undivided interest which I own in the property described in the statement above is a:

- ☒ Fee Interest (ownership)
☐ Leasehold interest which expires on _____
☐ Other: *(explain)* _____

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
<p>This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>			
PRINT NAME <i>Elizabeth Fessler</i>	DAYTIME TELEPHONE # <i>408-736-8300</i>		
ADDRESS <i>1035 Shamrock Dr.</i>	CITY <i>Campbell</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Elizabeth Fessler</i>		DATE <i>9/22/10</i>	
PRINT NAME <i>Robert Fessler</i>	DAYTIME TELEPHONE # <i>408-736-8300</i>		
ADDRESS <i>1035 Shamrock</i>	CITY <i>Campbell</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>[Signature]</i>		DATE <i>9-22-10</i>	
PRINT NAME	DAYTIME TELEPHONE #		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME	DAYTIME TELEPHONE #		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME	DAYTIME TELEPHONE #		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME	DAYTIME TELEPHONE #		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
Use separate sheet if necessary			

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STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

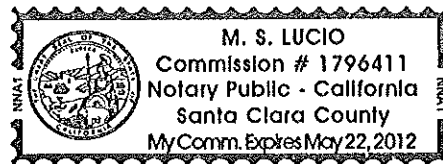
)
) ss.
)

On 9/22/10 before me, M.S. LUCIO, Notary Public, personally appeared ELIZABETH FESSLER AND ROBERT FESSLER who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

M.S. Lucio
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Notary Public

(Seal)

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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>1057 SHAMROCK DR. CAMPBELL CAL.</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>41 401006</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: <i>(describe property by address and Assessor's Parcel Number)</i> <u>1057 SHAMROCK DR.</u> <u>41 401006</u> and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: <i>(explain)</i> _____ 	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)				
<p>This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>				
PRINT NAME		DAYTIME TELEPHONE#		
WATIE ANTHONY		377-6102		
ADDRESS		CITY	STATE	ZIP CODE
1057 SHAMROCK Dr.		Campbell	CA	95008
SIGNATURE (Notarized)			DATE	
Watie Anthony			9-25-10	
PRINT NAME		DAYTIME TELEPHONE#		
ADDRESS		CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE	
PRINT NAME		DAYTIME TELEPHONE#		
ADDRESS		CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE	
PRINT NAME		DAYTIME TELEPHONE#		
ADDRESS		CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE	
PRINT NAME		DAYTIME TELEPHONE#		
ADDRESS		CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE	
PRINT NAME		DAYTIME TELEPHONE#		
ADDRESS		CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF

Santa Clara

)
) ss.
)

On Sept 25, 2010 before me, Diane M. James, Notary Public, personally appeared Walter Charles Anderson, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. James
Notary Public



STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

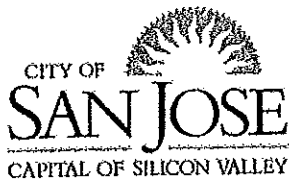
(Seal)

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



CITY OF SAN JOSE
Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>1082 Shamrock Dr</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>444-01-2010</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> _____ _____ Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>1082 Shamrock Dr</u> <u>444-01-2010</u> _____ _____	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>John J Smith</i>		DAYTIME TELEPHONE #	
ADDRESS <i>1082 SHAMROCK DR</i>		CITY <i>Campbell</i>	STATE <i>CA</i>
SIGNATURE (Notarized) <i>John J Smith</i>		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF Santa Clara

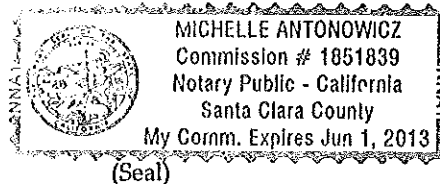
)
) ss.
)

On 9-27-10 before me, Michelle Antonowicz, Notary Public, personally appeared John J. Smith, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Michelle Antonowicz
Notary Public



STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Prezoning (File No. C10-010) ("Prezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

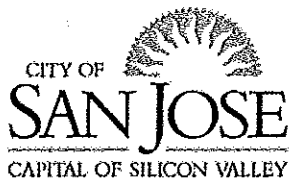
1. Prezoning Paves the Way for Streamlined Annexation Without Protest. The Prezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Prezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Prezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Prezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Prezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



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200 East Santa Clara Street
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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
--	--

ADDRESS OF PROPERTY BEING
PROTESTED 1068 Normandy Dr Campbell CA 95008

ASSESSOR'S PARCEL NUMBER(S) 41402062

REASON OF PROTEST

I protest the proposed rezoning because See Attachment A

Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)

1068 Normandy Dr Campbell CA 95008
Assessors Parcel Number 41402062

and is now zoned R1-8 District. (in Santa Clara County)

The undivided interest which I own in the property described in the statement above is a:

☒ Fee Interest (ownership)

☐ Leasehold interest which expires on _____

☐ Other: (explain) _____

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION**SIGNATURE(S) OF PROTESTANT(S)**

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>Willard J Rort</i>		DAYTIME TELEPHONE # <i>408 371 6256</i>	
ADDRESS <i>1068 Normandy Dr</i>	CITY <i>Campbell</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Willard J Rort</i>		DATE <i>9/22/10</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
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PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

)
) SS.
)

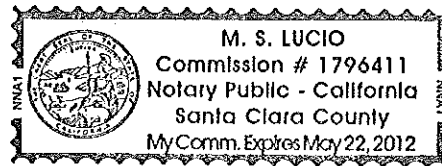
On 9/22/10 before me, M.S. LUCIO, Notary Public, personally appeared WILLIAM J. ROIT, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in ~~his~~ her/their authorized capacity(ies), and that by ~~his~~ her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) SS.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Notary Public

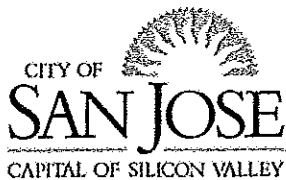
(Seal)

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)
--

* ADDRESS OF PROPERTY BEING PROTESTED 1081 Normandy Drive Campbell, CA

ASSESSOR'S PARCEL NUMBER(S) 41402008

REASON OF PROTEST
I protest the proposed rezoning because See Attachment A

Use separate sheet if necessary

* The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: *(describe property by address and Assessor's Parcel Number)*

1081 Normandy Drive
Campbell, CA 95008
414-02-008

and is now zoned R1-8 District. (in Santa Clara County)

* The undivided interest which I own in the property described in the statement above is a:

- ☒ Fee Interest (ownership)
☐ Leasehold interest which expires on _____
☐ Other: *(explain)* _____

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION**SIGNATURE(S) OF PROTESTANT(S)**

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

* PRINT NAME Ky Grant DAYTIME TELEPHONE# 408-838-4187

ADDRESS 1081 Normandy Dr. CITY Campbell STATE CA ZIP CODE 95008

SIGNATURE (Notarized) Ky Grant DATE 9/25/10

PRINT NAME Kristen Grant DAYTIME TELEPHONE# 408-398-9119

ADDRESS 1081 Normandy Drive CITY Campbell STATE CA ZIP CODE 95008

SIGNATURE (Notarized) Kristen Grant DATE 9/25/2010

PRINT NAME _____ DAYTIME TELEPHONE# _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

PRINT NAME _____ DAYTIME TELEPHONE# _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

PRINT NAME _____ DAYTIME TELEPHONE# _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

PRINT NAME _____ DAYTIME TELEPHONE# _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF

Santa Clara

)
)
) SS.
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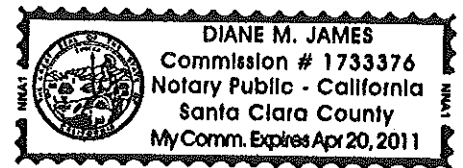
On Sept 25, 2010 before me, Diane M. James, Notary Public, personally appeared Ry Grant, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. James
Notary Public

(Seal)



STATE OF CALIFORNIA

COUNTY OF

Santa Clara

)
)
) SS.
)

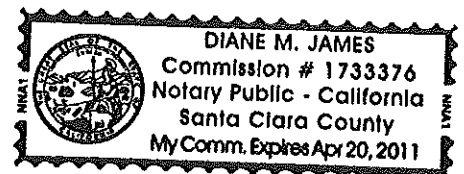
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WITNESS my hand and official seal.

Diane M. James
Notary Public

(Seal)



ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

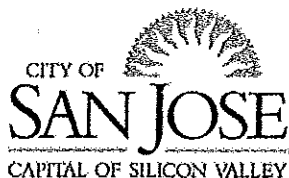
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service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

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Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>1100 Normandy Dr.</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>414-02-060</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> _____ _____ _____ Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: <i>(describe property by address and Assessor's Parcel Number)</i> <u>1100 Normandy</u> <u>414-02-060</u> _____ _____	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: <i>(explain)</i> _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
<p>This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>			
PRINT NAME		DAYTIME TELEPHONE #	
Harrison Penn Hahn		(408) 371-9032	
ADDRESS	CITY	STATE	ZIP CODE
1100 Normandy Dr.	Campbell	Ca.	95008
SIGNATURE (Notarized)		DATE	
Harrison Penn Hahn		9/22/10	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA)
COUNTY OF Santa Clara) ss.

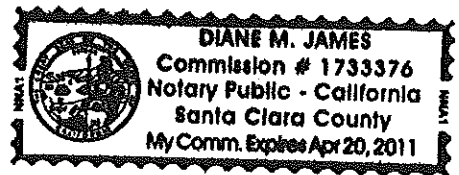
On Sept 22, 2010 before me, Diane M. James Notary Public, personally appeared Narrison, Benn Dahn who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. James
Notary Public

(Seal)



STATE OF CALIFORNIA)
COUNTY OF _____) ss.

On _____ before me, _____, Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

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Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Prezoning (File No. C10-010) ("Prezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>1116 Normandy Dr</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>41402009</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>1116 Normandy Dr Campbell CA 95008</u> <u>41402009</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____	

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ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
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PRINT NAME <i>Mark Rotondo</i>		DAYTIME TELEPHONE # <i>408 593-4947</i>	
ADDRESS <i>1116 Normandy Dr</i>	CITY <i>Campbell</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>[Signature]</i>		DATE <i>9-22-10</i>	
PRINT NAME <i>Samuel Rotondo</i>		DAYTIME TELEPHONE #	
ADDRESS <i>1116 Normandy Dr</i>	CITY <i>Camp</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>[Signature]</i>		DATE <i>9-22-10</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
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PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

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STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

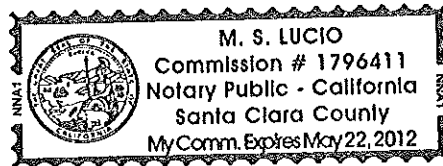
)
) ss.
)

On 9/22/10 before me, M.S. LUCIO, Notary Public, personally appeared MARK AND JAMIE ROTONDO, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

M.S. Lucio
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Notary Public

(Seal)

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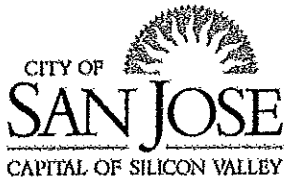
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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	<u>1123 NORMANDY DR. CAMPBELL, CA. 95008</u>
ASSESSOR'S PARCEL NUMBER(S)	<u>414 - 02 - 011</u>
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> <u>Use separate sheet if necessary</u>	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>1123 NORMANDY DR. CAMPBELL, CA. 95008</u> <u>414 - 02 - 011</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
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ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

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PRINT NAME WILLIAM ALLEN ROSS		DAYTIME TELEPHONE # 4085610494	
ADDRESS 1123 NORMANDY DRIVE		CITY CAMPBELL	STATE CALIF.
SIGNATURE (Notarized) <i>William A. Ross</i>		DATE 9/27/10	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
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PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

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STATE OF CALIFORNIA

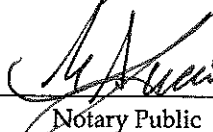
COUNTY OF SANTA CLARA

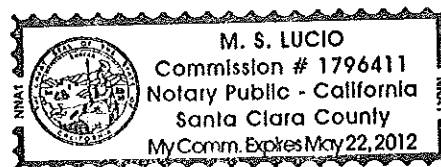
)
) ss.
)

On 9/27/10 before me, M. S. LUCIO, Notary Public, personally appeared WILLIAM MICHAEL ROSS, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
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(Seal)

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).